



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE ROOM 411
BOSTON MASSACHUSETTS 02108

MICHAEL J. SULLIVAN
DIRECTOR

TEL: (617) 727-8352
(800) 462-OCFF
FAX: (617) 727-6549

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INTERPRETIVE BULLETIN

**Political Activity, Organization, and Dissolution of
Ballot Question Committees and Civic Organizations'
Involvement in Ballot Question Campaigns**

The Office of Campaign and Political Finance (OCPF) periodically issues interpretive bulletins regarding various aspects of M.G.L. c. 55, the Massachusetts campaign finance law.¹ This bulletin is issued to define the range of political activity which may be undertaken by ballot question committees, the organization and dissolution of such committees, and the relationship between ballot question campaigns and civic organizations.

Individuals active in ballot question campaigns are frequently active in candidate campaigns, voter education efforts, other political activity, or non-political civic or other organizations which may become involved in ballot question campaigns. Although the campaign finance law does not prohibit individuals from becoming involved in ballot question committees and other political or civic activities, the law does require strict separation of financial activity related to the support or opposition of a ballot question.

I. Ballot Question Committees

Ballot question committees are defined by the campaign finance law as "any political committee which receives or expends money or other things of value for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters including, without limitation, a charter change, an initiative or referendum question or a constitutional amendment." See M.G.L. c. 55, s. 1.

Treasurers of ballot question committees must ensure that ballot question committee accounts are kept totally separate from the accounts of other committees or groups. Contributions received by a ballot question committee and expenditures made by a ballot question committee for the purpose of supporting or opposing a ballot question must be strictly segregated from contributions received by a candidate's committee, PAC, people's committee, or other group. See M.G.L. c. 55, ss. 2 and 5. In addition, officers of ballot question committees are responsible for understanding the durational limits which apply to such committees.

A. Ballot question committee expenditures to support candidates or for voter education regarding matters not within the scope of a ballot question.

Ballot question committees cannot make expenditures to support a candidate or candidates or to educate the voters regarding matters not within the scope of the ballot question, or otherwise support

¹ Other interpretive bulletins of interest to ballot question committees, which remain in effect, except where noted in this opinion, include IB-88-01 (the applicability of the campaign finance law to organizations other than political committees), IB-90-02 (the disclosure and reporting requirements of contributions and expenditures related to ballot questions), IB-91-01 (the application of the campaign finance laws to the use of public resources in support of or in opposition to ballot questions), and IB-95-01 (summarizing changes made in the campaign finance law by chapters 43 and 292 of the Acts of 1994).

extraneous matters. See M.G.L. c. 55, s. 6B. For example, a ballot question committee may not make expenditures to educate the public regarding a matter which is not on the ballot or anticipated to be on the ballot.

B. Ballot question committee lobbying expenditures.

Ballot question committees may make expenditures to lobby the state Legislature or a local government body, e.g., town meeting, a board of selectmen, or a city council, if the expenditures are directly related to the principle for which the committee was established, and if the expenditures are consistent with that principle. See AO-93-25.²

C. Organization and dissolution of ballot question committees.

A ballot question committee may not accept any contributions or make any expenditures until it files a statement of organization (CPF M101BQ or CPF 101BQ) with the municipal election official or OCPF. See M.G.L. c. 55, s. 5. In most cases, the committee's "statement of purpose" may be relied upon for determining the scope of a ballot question committee's activities and its duration. The activities of a ballot question committee must, however, be consistent with the statement of purpose.

A ballot question committee must dissolve after the election in which the question(s) specified on its "statement of organization" were on the ballot. See AO-93-30 (ballot question committee organized to promote a specific Proposition 2 1/2 override must dissolve after election and may not continue in existence to promote possible subsequent overrides) and AO-95-11 (ballot question committee may be organized to promote or oppose more than one ballot question if each question is specific and identifiable). If a committee has been organized to support a single ballot question it may not raise funds to support a different ballot question. A new committee would have to be organized for that purpose. In addition, the committee may not make expenditures to support a different ballot question unless the expenditure is consistent with the committee's purpose. See M.G.L. c. 55, s. 6B.

If the question the committee was organized to support is defeated, however, the committee could remain in existence to support an identical or substantially identical question on the ballot in a future election unless the committee's statement of purpose otherwise limits its duration.

Upon dissolution of a committee, any residual funds remaining in the committee's account must be donated to the state's Local Aid Fund, a religious or charitable organization, a scholarship, or the general fund of any city or town in the commonwealth. See M.G.L. c. 55, s. 18.

II. Civic Organizations and Other Groups

A. Expenditures by civic organization or other group relating to a town meeting.

Expenditures by a civic or other group to educate voters regarding issues to be debated at town meeting or expenditures intended to affect a vote at a town meeting are not subject to M.G.L. c. 55. The campaign finance law does not generally apply to expenditures or other financial activity relating to matters debated in an open forum such as a town meeting, even if such issues are resolved by secret vote at that town meeting. See AO-94-37 and AO-93-07.

Any materials published and disseminated by a civic or other group other than a ballot question committee solely in anticipation of a town meeting will not be considered expenditures made to "influence or affect the vote on any question submitted to the voters," within the context of the campaign finance law, even if such materials advocate a "yes" or "no" vote on a topic at town meeting.³

² AO-93-25 modified interpretive bulletin IB-90-02 to the extent the interpretive bulletin stated, on page 4, that political committees were prohibited from making lobbying expenditures. Prior to making any expenditures related to lobbying the Legislature, however, committees should contact the Secretary of State to ensure compliance with M.G.L. c. 3, which requires "legislative agents" to register and file reports with the Secretary of State.

³ Where matters addressed in a publication distributed by a civic organization in anticipation of a town meeting also relate to a ballot question, the publication may be subject to the campaign finance law.

B. Civic organization involvement in ballot question campaign activity.

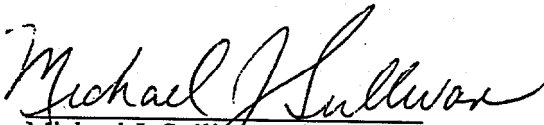
Individuals or groups of persons who wish to educate the voters regarding issues not on the ballot, and not involving support of candidates, are not subject to the campaign finance law. Such individuals or groups do not have to file campaign finance reports the city or town clerk or this office.

However, a civic organization, e.g., a taxpayer's association or a parent-teacher's association, may make expenditures from its treasury to support or oppose a ballot question, if the expenditures are disclosed on forms which may be obtained from this office. If the organization wishes to raise funds specifically for that purpose, however, the organization must first establish a ballot question committee. See IB-90-02.

If a ballot question committee is organized, the committee's funds must be separate and distinct from the organization. The organization would continue in existence after the relevant election. In contrast, as noted above, a ballot question committee must dissolve after the election in which the specific question which the committee was organized to support or oppose has been decided.

The finances of a ballot question committee organized by a civic organization must be kept separate and distinct from the finances of the parent organization. The organization may contribute funds to the committee, but any funds or resources contributed must be disclosed by the committee on campaign finance reports filed with this office.

When a ballot question committee created by a civic organization dissolves, residual funds remaining in the committee's account may not be refunded to the pre-existing civic organization.


Michael J. Sullivan, Director